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Gabriela Najera, Dwight Neven,
Cynthia Ruiz, Kim Thomas, and Patrick Vejar*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELIZABETH CARLEY,

Plaintiff,

vs.

JO GENTRY, *et al.*,

Defendants.

Case No. 2:17-cv-02670-MMD-VCF

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S MOTION
TO COMPEL DISCOVERY (ECF NO. 122)
(FIRST REQUEST)**

Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels, Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Andrea M. Dominguez, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move for an extension of time to file a response to Plaintiff's Motion to Compel Discovery (ECF No. 122). This motion is based on the following Memorandum of Points and Authorities and on all papers and pleadings on file.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Elizabeth Carley (Carley) is an inmate lawfully in the custody of the Nevada Department of Corrections (NDOC) and is currently housed at Florence McClure Women's Correctional Center (FMWCC).

On March 15, 2021 Carley filed a Motion to Compel Discovery (Motion). (ECF No. 122)

The undersigned needs additional time to research the requested documents, Defendants respectfully request an extension of time of thirty days to file a response to Carley's Motion to Compel Discovery. (see Declaration of Counsel attached as **Exhibit A**) The undersigned requires additional time to acquire any necessary information from NDOC related to Carley's Motion. (*Id.*)

II. LEGAL STANDARD

Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time and states:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Good cause exists to extend the time to file a response to Carley's Motion. Defendants' request will not hinder or prejudice Carley's case but will allow for a thorough opportunity to research the necessary information that is required to respond to the Motion. (see **Exhibit A**) The requested extension of time should permit Defendant's counsel adequate time to file a response.

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1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that their motion for an
3 extension of time for a period of thirty days, to **April 28, 2021**, in which to file a
4 response to Carley's motion to compel discovery (ECF No. 122), be granted.

5 DATED this 29th day of March, 2021.

6 AARON D. FORD
7 Attorney General

8 By:


9 ANDREA M. DOMINGUEZ, Bar No. 15209
10 Deputy Attorney General

11 *Attorneys for Defendant*

12 IT IS SO ORDERED.

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15 Cam Ferenbach
16 United States Magistrate Judge

17 4-5-2021

18 Dated: _____
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 29th day of March, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY (ECF NO. 122) (FIRST REQUEST)**, to the following:

Elizabeth Carley, #1095997
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115
Plaintiff, Pro Se



An employee of the
Office of the Attorney General

EXHIBIT A

Declaration of
Counsel

EXHIBIT A

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DECLARATION OF COUNSEL

I, Andrea M. Dominguez, am over the age of 18 and am otherwise fully competent to testify to the facts contained in this declaration.

1. The statements contained in this declaration, except where otherwise indicated to be upon information and belief, are based on my personal knowledge and experience.

2. I am an attorney licensed to practice law in the U.S. District Court, District of Nevada.

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3. In connection with the filing of this declaration, I represent the Defendants on the matter, *Carley v. Gentry, et al.*, in the United States District Court, District of Nevada as case number 2:17-cv-02670-MMD-VCF.

4. On March 15, 2021, Carley filed a Motion to Compel Discovery alleging that there are investigative documents within the control of the Nevada Department of Corrections that need to be produced.

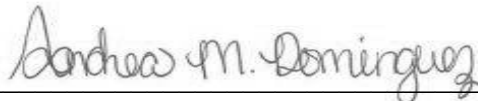
5. I need additional time to contact the Inspector General's Office to research whether or not these documents exist. From my understanding there are no such documents, but I wanted to confirm so that I can provide an adequate response to Carley's motion to compel.

6. Carley will not be prejudiced by a 30-day extension as Defendants have filed a non-opposition to her motion for an extension of time to file an opposition to Defendant's motion for summary judgment. (*see* ECF NO. 126) Therefore, Carley has until May 2, 2021 to file her Opposition.

DATED this 29th day of March, 2021.

AARON D. FORD
Attorney General

By:


ANDREA M. DOMINGUEZ, Bar No. 15209
Deputy Attorney General

Attorneys for Defendants